PF 100/-

(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 3165 /2003

PETITIONER : Janak Ram Maheshwari
S/o Late B.R. Maheshwari,
Aged about 34 years,
R/o Kashi Nagar,
Block Office, Korba
District Korba (CG).

Versus

RESPONDENTS : 1) State of Chhattisgarh
Through the Secretary,
Tribal Welfare Department,
DKS Bhawan, Raipur (CG).

2) The Commissioner,
Tribal Welfare Department,
Chhattisgarh-Raipur (CG).

3) Block Education Officer,
Block Korba, Distt.Korba CG).

P.R. No. 3016/03
Presented by Shri Ganesh Khetrapal
dated 29/09/03

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) Particulars of t

XI-HC-22

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.3165 **सन्** 2003

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.9.2006

Shri P. Diwakar, Sr. Advocate with Ku. Sunita Jain, for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the State/ respondents.

Arguments heard.

Order dictated as follows:

ORAL ORDER

By way of this writ petition filed under Article 226/227 of the Constitution of India, the petitioner has challenged the legality of transfer order dated 05.9.2003 (Annexure P-1) by which the petitioner who was working as an Assistant Teacher in Primary School, Kohdiya, Block Korba, Distt. Korba was transferred from the said institution to Middle School Batati, Block Korba, Distt. Korba. It is shown in the order of transfer that the aforesaid transfer was on administrative ground. The petitioner has challenged the validity of the aforesaid order on the ground that there is no middle school in village Batati, as has been shown in Column No.3 of the aforesaid order relating to the petitioner. He also challenged the order on the ground that since there is no middle school, the question of true administrative exigency does not arise and the action on the part of the State appears to be mala-fide.

Return has been filed on behalf of the State. In sub-para 2 of para 2 of the return, it has been specifically admitted that there is no middle school at Batati i.e., the place where the petitioner is

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आदेश पत्रक

मामला क्रमांक W.P.No.3165 सन् 2007

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

transferred vide order dated 05.9.2003. It has further been stated that there is only a primary school at Batati. The State has pleaded that due to some error it has been mentioned in the impugned order as middle school, Batati, Block Korba, Distt. Korba. However, vide sub-para 3 of this paragraph, it has been specifically stated that though the petitioner was relieved from primary school, Kohdiya but subsequently vide order dated 09.1.2004 passed by respondent no.3, the petitioner was directed to work at Primary School Kohdiya it self and accordingly, the petitioner has joined his duty in Kohdiya school. With the above specific pleadings, the State has also prayed for dismissal of the petition in view of the changed circumstance. A copy of the order dated 09.1.2004 (Annexure R-4) by which the petitioner was again sent to primary school, Kohdiya has also been filed by the State.

In view of the subsequent development in this matter, it appears that the initial order of the transfer has virtually been cancelled by the State by realizing the mistake that there is no middle school at village Batati and now there appears to be no grievance so far as the petitioner is concerned.

In view of the above, for the present, this petition is disposed of as the grievance raised by the petitioner has been redressed by the State by passing a subsequent order dated 09.1.2004 (Annexure R-4). However, the petitioner shall be at liberty to approach this Court if any grievance pertaining to the impugned order (Annexure P-1) still remains with him in future.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

(पीछे देखिये)

28.9.06 /Rao/